

**EQC ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
DECEMBER 14, 2006**

BUREAU OF LAND AND WASTE MANAGEMENT

Hazardous Waste Enforcement

- 1) Order Type and Number: Consent Order 06-06-HW
 Order Date: October 20, 2006
 Responsible Party: **Furman University**
 Location/Mailing Address: 3300 Poinsett Highway
 Greenville, SC 29163

 County: Greenville
 Previous Orders: None
 Permit Number: SCD 982 076 903
 Violations Cited: The South Carolina Hazardous
 Waste Management Act §44-56-130(2) and the South Carolina Hazardous
 Waste Management Regulations 61-79.265.173(a), and R.61-
 79.273.13(d)(1)

Summary: Furman University (Respondent) is an academic institution. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to keep all containers holding hazardous waste closed except when necessary to add or remove waste; and failure to contain universal waste lamps in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the lamps in which such containers are kept closed.

Action: The Respondent has agreed to: now and in the future, ensure that all containers of hazardous waste are managed in accordance with R.61-79.262.34 and R.61-79.265 Subpart I – Use and Management of Containers; ensure that all containers of universal waste are managed in accordance with R.61-79.273 Subpart B – Standards for Small Quantity Handlers of Universal Waste; and pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**).

Solid Waste Enforcement

- 2) Order Type and Number: Consent Order 06-09-SW
 Order Date: October 3, 2006
 Respondent: **Town of Great Falls LCD Landfill**

Facility: Town of Great Falls LCD Landfill
Location/Mailing Address: Washington St/ P.O. Box 177
Great Falls, SC 29055
County: Chester
Previous Orders: None
Permit/ID Number: 121002-1701
Violations Cited: South Carolina Solid Waste Policy
and Management Act of 1991, Construction, Demolition and Land-Clearing
Debris Landfills Regulation, 25A S.C. Ann. Reg. 61-107.11, Part II, A.11, Part
IV. G.6 (Supp. 2005), Permit# 121002-1701, Section IV.E.

Summary: The Town of Great Falls operates the Town of Great Falls LCD Landfill (Respondent) in Chester County, South Carolina. The Respondent failed to submit and record a plat showing the final boundaries of the disposal area of the closed landfill and a record of the type, quantity and location of solid wastes disposed at the facility. The Respondent also failed to issue and record a corrective deed referencing the plat as a former landfill. This constitutes a violation of the Regulation and the Permit.

Action: The Order requires the Respondent to submit and record a plat showing final boundaries of the Landfill and the type and quantity of solid wastes disposed of at the landfill, and issue and record a corrective deed referencing the plat as a former landfill. The Order also requires the Respondent to pay a civil penalty of one thousand five hundred dollars (**\$1,500.00**). The civil penalty has been paid.

3) Order Type and Number: Consent Order 06-11-SW
Order Date: October 10, 2006
Respondent: **Lonnie Chavis**
Facility: Chavis, Lonnie
Location/Mailing Address: 248 Hancock Rd/2804 SC Ave
Aiken, SC /Aiken, SC 29801
County: Aiken
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Solid Waste Policy
and Management Act of 1991, Construction, Demolition and Land-Clearing
Debris Landfills Regulation, 25A S.C. Ann. Reg. 61-107.11, Part IV, B.1 (Supp.
2005).

Summary: Lonnie Chavis (Respondent), who is in the tree service business, engaged in open dumping of land clearing debris and operated a land clearing debris landfill without a landfill permit.

Action: The Order requires the Respondent to remove and properly dispose of all land clearing debris at the site. The Order also requires the Respondent to pay a civil penalty of six thousand dollars **(\$6,000.00)**.

- 4) Order Type and Number: Consent Order 06-12-SW
Order Date: October 10, 2006
Respondent: **D&A, LLC**
Facility: Dangerfield Mine
Location/Mailing Address: Hwy 17A /4142 Dorchester Rd
Moncks Corner, SC/Charleston, SC
29405
County: Berkeley
Previous Orders: None
Permit/ID Number: I-00625
Violations Cited: South Carolina Solid Waste Policy
and Management Act of 1991, Construction, Demolition and Land-
Clearing Debris Landfills Regulation, 25A S.C. Ann. Reg. 61-107.11, Part
IV, A.8. (Supp. 2005).

Summary: D&A, LLC (Respondent) operates Dangerfield Mine in Berkeley County, South Carolina, under Permit # I-00625 (Permit). The Respondent engaged in open dumping of land clearing debris and construction/demolition debris at the site. The Respondent did not have a permit to dispose of this debris.

Action: The Order requires the Respondent to remove and properly dispose of the land-clearing debris and construction/demolition debris at the site, and to pay a civil penalty of two thousand eight hundred dollars **(\$2,800.00)**.

- 5) Order Type and Number: Consent Order 06-13-SW
Order Date: October 16, 2006
Respondent: **Earle J. Bedenbaugh, Registered
Agent, Bedenbaugh Realty &
Development Company, Inc.**
Facility: N/A
Location/Mailing Address: 115 Grace Street/Post Office Drawer
246, Prosperity, SC 29127
County: Newberry
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: South Carolina Solid Waste Policy
and Management Act of 1991 (2002) and the Construction, Demolition
and Land-Clearing Debris Landfills Regulation, 25A S.C. Code Ann. Reg.
61-107.11, Part IV, (B)(1) (Supp.2004).

Summary: Earle J. Bedenbaugh, Registered Agent, Bedenbaugh Realty & Development Company, Inc. (Respondent) operated an unpermitted construction, demolition and land-clearing debris landfill located off of Ira Kinard Road near the intersection of Highway 391 and Ira Kinard Road in Newberry County, South Carolina.

Action: The Consent Order requires the Respondent to do the following: remove all debris from the Site, and dispose of same in facilities permitted for the disposal of such debris; submit to the Department written certification to include copies of all receipts and/or invoices, verifying that all debris was properly disposed of; and pay to the Department a **suspended** civil penalty in the amount of ten thousand dollars (**\$10,000.00**) if the Order is not complied with.

BUREAU OF WATER

Drinking Water Enforcement

6)	<u>Order Type and Number:</u>	Consent Order 06-162-DW
	<u>Order Date:</u>	October 12, 2006
	<u>Respondent:</u>	Lands Inn, Inc.
	<u>Facility:</u>	Lands Inn
	<u>Location/Mailing Address:</u>	400 McGrath Darby Blvd. Mt. Pleasant, S.C. 29464
	<u>County:</u>	Charleston
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	10-492B
	<u>Violations Cited:</u>	24A S.C. Code Ann. Regs. 61-51(J)
		and 61-51(K)(1)(d)

Summary: Lands Inn, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of the pool Permit No. 10-492B. The Respondent has violated the Public Swimming Pools Regulations as follows: failure to properly operate and maintain the pool.

Action: The Respondent has agreed to: operate and maintain the pool in accordance with all applicable State laws and regulations and pay a civil penalty in the amount of two thousand forty dollars (**\$2,040.00**). The civil penalty has been paid.

7)	<u>Order Type and Number:</u>	Consent Order 06-173-DW
	<u>Order Date:</u>	October 12, 2006

<u>Respondent:</u>	Calibogue Enterprises, Inc. and Point Comfort Club Horizontal Property Regime
<u>Facility:</u>	Point Comfort Club
<u>Location/Mailing Address:</u>	2B Point Comfort Club Hilton Head Island, S.C. 29928
<u>County:</u>	Beaufort
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	07-234B
<u>Violations Cited:</u>	24A S.C. Code Ann. Regs. 61-51(I)

Summary: Calibogue Enterprises, Inc. and Point Comfort Club Horizontal Property Regime (Respondents) are responsible for the modifications of the pool Permit No. 07-234B. The Respondents have violated the Public Swimming Pools Regulations as follows: failure to submit a Change Order Request Form prior to implementing decking, tile, and equipment modifications.

Action: The Respondents have agreed to: submit a completed Change Order Request Form for approval for all work performed and pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

8) <u>Order Type and Number:</u>	Consent Order 06-174-DW
<u>Order Date:</u>	October 12, 2006
<u>Respondent:</u>	Wyman Williams, Jr.
<u>Facility:</u>	Williams Well Drilling
<u>Location/Mailing Address:</u>	935 Mana Dr. Sumter, S.C. 29154
<u>County:</u>	Sumter
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	Certification #1169
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-44(D)(2) (Supp. 2005), 61-71(D)(1) (Supp. 2005), 61-71(F)(8) (Supp. 2005), and 61-71(F)(12)(a) (Supp. 2005)

Summary: Wyman Williams, Jr. (Respondent) is involved in the business of well drilling in the State of South Carolina. The Respondent has violated the South Carolina Individual Residential Well & Irrigation Well Permitting Regulations and the South Carolina Well Standards and Regulations as follows: failed to submit a Notice of Intent and associated fee prior to the construction of the residential well (the Respondent was not a licensed driller at the time of well construction); failure to attach an identification plate to the wellhead of the residential well; and failure to submit a Water Well Record Form within 30 days following the completion of the residential well.

Action: The Respondent has agreed to: comply with all pertinent State rules and regulations concerning well construction and pay a civil penalty in the amount of two thousand one hundred dollars (\$2,100.00). The civil penalty has been paid.

- 9) Order Type and Number: Consent Order 06-176-DW
 Order Date: October 24, 2006
 Respondent: **Armor Coatings Corporation**
 Facility: Queens Grant IV
 Location/Mailing Address: 3 Cardinal Court, Suite 241
 Hilton Head Island, S.C. 29925

 County: Beaufort
 Previous Orders: None
 Permit/ID Number: 07-063B
 Violations Cited: 24A S.C. Code Ann. Regs. 61-51(I)
 (Supp. 2005)

Summary: Armor Coatings Corporation (Respondent) is responsible for the modification of the Pool Permit No. 07-063B. The Respondent has violated the Public Swimming Pools Regulations as follows: failure to submit a Change Order Request Form prior to implementing decking modifications.

Action: The Respondent has agreed to: submit a completed Change Order Request Form for the modification of the pool; contact the Department to verify all work performed meets the requirements in the Public Swimming Pools Regulations; and pay a civil penalty in the amount of four hundred dollars (\$400.00). The civil penalty has been paid.

- 10) Order Type and Number: Consent Order 06-180-DW
 Order Date: October 12, 2006
 Respondent: **Southern Pool & Spa, Inc.**
 Facility: Bay Club Sea Lofts
 Location/Mailing Address: 4900 Sirus Lane
 Charlotte, NC 28208

 County: Charleston
 Previous Orders: None
 Permit/ID Number: 10-377B and 10-378D
 Violations Cited: 24A S.C. Code Ann. Regs.61-51(I)
 Project Manager: **Jeffrey Schrag**

Summary: Southern Pool & Spa, Inc. (Respondent) is responsible for the modifications of the pool Permit No. 10-377B and spa Permit No. 10-378D located at Bay Club Sea Lofts in Charleston, South Carolina. The Respondent has violated the Public Swimming Pools Regulations as follows: failure to submit a

Change Order Request Form prior to implementing decking, tile, and equipment modifications.

Action: The Respondent has agreed to pay a civil penalty in the amount of four hundred dollars (**\$400.00**).

11) Order Type and Number: Consent Order 06-181-DW
 Order Date: October 12, 2006
 Respondent: **Creekstone East Bridge, LLC and
Southern Pool & Spa, Inc.**
 Facility: East Bridge Town Lofts
 Location/Mailing Address: 469 Grace Ave.,
Panama City, FL 32401
 County: Charleston
 Previous Orders: None
 Permit/ID Number: 10-262B and 10-263D
 Violations Cited: 24A S.C. Code Ann. Regs.61-51(I)
and 61-51(C)
 Project Manager: **Jeffrey Schrag**

Summary: Creekstone East Bridge, LLC and Southern Pool & Spa, Inc. (Respondents) are responsible for the modifications of the pool Permit No. 10-262B and spa Permit No. 10-263D located at the East Bridge Town Lofts in Charleston, South Carolina. The Respondents have violated the Public Swimming Pools Regulations as follows: failure to submit a Change Order Request Form prior to implementing decking, tile, and equipment modifications.

Action: The Respondents have agreed to: operate and maintain the pool and spa in accordance with all applicable State laws and regulations; correct the deficiencies and contact the Department to schedule an inspection to verify that the pool and spa meet the necessary requirements; and pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

12) Order Type and Number: Consent Order 06-183-DW
 Order Date: October 12, 2006
 Respondent: **Raymond Golston**
 Facility: NA
 Location/Mailing Address: 355 Old Wire Road
West Columbia, S.C. 29169
 County: Richland
 Previous Orders: None
 Permit/ID Number: Certification # 494
 Violations Cited: S.C. Code Ann. Regs. 61-71(F)(8),
61-71 (F)(11), 61-71 (F)(12), and 61-44 (D)(4)

Summary: Raymond Golston (Respondent) is involved in the business of well drilling in the State of South Carolina. The Respondent has violated the South Carolina Well Standards and Regulations and the South Carolina Individual Residential Well and Irrigation Well Permitting Regulations as follows: failed to properly label and attach identification plates to 3 residential wells; failed to properly seal 3 wells; failed to submit a completed Notice of Intent (NOI) form; failed to notify the Department of a change of information on a NOI form at the time of well construction; and failed to submit Water Well Record Forms for 35 residential wells and 10 irrigation wells to the Department within 30 days of well completion.

Action: The Respondent has agreed to: comply with all pertinent State and Federal rules and regulations concerning well construction; submit Water Well Record Forms for the 35 residential wells and 10 irrigation wells that the Respondent constructed from January 1, 2005, to date; and pay a civil penalty in the amount of three thousand five hundred dollars (**\$3,500.00**).

13)	<u>Order Type and Number:</u>	Consent Order 06-184-DW
	<u>Order Date:</u>	October 12, 2006
	<u>Respondent:</u>	Town of Eastover
	<u>Facility:</u>	Town of Eastover
	<u>Location/Mailing Address:</u>	P.O. Box 58 Eastover, S.C. 29044
	<u>County:</u>	Richland
	<u>Previous Orders:</u>	01-178-DW (\$12,500 Stipulated); 05-096-DW (\$1400 Stipulated)
	<u>Permit/ID Number:</u>	4010002
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-58.11(D)

Summary: The Town of Eastover (Respondent) owns, operates, and maintains public water system (PWS) No. 4010002. The Respondent has violated the State Safe Drinking Water Act and the State Primary Drinking Water Regulations as follows: failure to submit an Optimal Corrosion Control Treatment (OCCT) Evaluation Plan within 6 months of the June – September 2005 action level exceedance for lead and copper.

Action: The Respondent has agreed to: comply with all pertinent State rules and regulations; submit for review and approval an OCCT Evaluation for lead and copper; and pay a civil penalty in the amount of eight hundred fifty dollars (**\$850.00**).

14)	<u>Order Type and Number:</u>	Consent Order 06-191-DW
	<u>Order Date:</u>	October 31, 2006

<u>Respondent:</u>	South Carolina Coast & Lakes, LLC
<u>Facility:</u>	Live Oaks at Battery Creek
<u>Location/Mailing Address:</u>	2245-C Ashley Crossing Dr. Charleston, S.C. 29414
<u>County:</u>	Beaufort
<u>Previous Orders:</u>	None
<u>Permit/ID Number:</u>	N/A
<u>Violations Cited:</u> (Supp. 2005)	S.C. Code Ann. Regs. 61-58.1(B)(1)

Summary: South Carolina Coast and Lakes, LLC (Respondent) owns and is responsible for the construction and development activities at the Live Oaks at Battery Creek property (Site). The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to obtain a permit to construct prior to constructing a public water system (PWS).

Action: The Respondent has agreed to: construct, operate, and maintain the referenced PWS in accordance with all applicable State and Federal laws and regulations and pay a civil penalty in the amount of two thousand eight hundred dollars (**\$2,800.00**). The civil penalty has been paid.

15)	<u>Order Type and Number:</u>	Consent Order 06-197-DW
	<u>Order Date:</u>	October 31, 2006
	<u>Respondent:</u>	Town of Hilda
	<u>Facility:</u>	Town of Hilda
	<u>Location/Mailing Address:</u>	P.O. Box 157 Hilda, S.C. 29813
	<u>County:</u>	Barnwell
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	0610004
	<u>Violations Cited:</u> (2005)	S.C. Code Ann. Regs. 61-58.7(B)

Summary: The Town of Hilda (Respondent) owns and is responsible for the proper operation and maintenance of the public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: failed to properly operate and maintain the PWS.

Action: The Respondent has agreed to: construct a replacement well; complete the upgrades of the elevated storage tank; correct all the remaining deficiencies listed in the September 16, 2005, sanitary survey; schedule an inspection with the Department's Region 5 EQC Regional Office to obtain final approval to operate; and pay a **stipulated penalty** in the amount of two thousand

one hundred dollars **(\$2,100.00)** should it fail to comply with any requirement of the Order.

- 16) Order Type and Number: Consent Order 06-199-DW
 Order Date: October 31, 2006
 Respondent: **Community Trust Development, LLC**
 Facility: Tiffany Gardens Subdivision
 Location/Mailing Address: 821 N. Main St.
 Sumter, S.C. 29150
 County: Sumter
 Previous Orders: None
 Permit/ID Number: Unpermitted
 Violations Cited: 24A S.C. Code Ann. Regs. 61-58.1(B)(1)

Summary: Community Trust Development, LLC (Respondent) is responsible for the proper operation and maintenance of a public water system (PWS). The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to obtain a permit to construct prior to constructing the PWS.

Action: The Respondent has agreed to: comply with all permitting and operating requirements in accordance with all applicable State laws and regulations and pay a civil penalty in the amount of one thousand five hundred dollars **(\$1,500.00)**.

Water Pollution Enforcement

- 17) Order Type and Number: Consent Order 06-165-W
 Order Date: October 12, 2006
 Respondent: **Startex Jackson Wellford Duncan Water District**
 Facility: Water Treatment Plant
 Location/Mailing Address: 161 Groce Rd.
 Lyman, S.C. 29365
 County: Spartanburg
 Previous Orders: None
 Permit/ID Number: SCG643003
 Violations Cited: S.C. Code Ann. § 48-1-110 (Supp. 2005) and 24 S.C. Code Ann. Regs. 61-9.122.41(d)(1) (Supp.2005)

Summary: Startex Jackson Wellford Duncan Water District (SJWD) (Respondent) owns and is responsible for the proper operation and maintenance of a water treatment plant (WTP). The Respondent has violated the Pollution

Control Act and associated regulations as follows: failed to submit an administratively complete application for renewal of its National Pollutant Discharge Elimination System (NPDES) Permit at least 180 days prior to the expiration date of the permit.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; continue to operate the facility in accordance with the most recently issued NPDES permit until a new permit becomes effective; and pay a civil penalty in the amount of one thousand four hundred dollars (**\$1,400.00**). The civil penalty has been paid.

18) Order Type and Number: Consent Order 06-175-W
Order Date: October 03, 2006
Respondent: **Eagle Construction Company**
Facility: Eagle Construction Borrow Pit
Location/Mailing Address: P.O. Box 132
Newberry, S.C. 29108
County: Newberry
Previous Orders: 05-028-W(\$9800)
Permit/ID Number: None
Violations Cited: S.C. Code Ann. § 48-1-90(a) (1987),
S.C. Code Ann. Regs. 61-9.122.26 (b)(14)(x) and (e)(1) (Supp. 2005) and
61-68.E (5)(d) (Supp. 2005)

Summary: Eagle Construction Company, Inc. (Respondent) owns and is responsible for land-disturbing activities. The Respondent has violated the Pollution Control Act as follows: initiated land-disturbing activities prior to obtaining a permit and discharged sediment into the environment, including waters of the State.

Action: The Respondent has agreed to: comply with all permitting and operating requirements in accordance with State and Federal regulations and guidelines; fully stabilize the Site; inspect the Site weekly until it is fully stabilized; submit a Summary Report of the corrective actions and erosion and sediment control measures implemented at the Site; include text, specific drawings and photographs, depicting the measures implemented in all of the disturbed areas; submit a letter from a South Carolina Registered Professional Engineer, certifying that 1) the storm water controls, sediment reduction and erosion control measures implemented are appropriate for the stabilization of the Site and 2) that the Site has been fully stabilized with no additional action required by the Respondent; and pay a civil penalty in the amount of eighteen thousand six hundred dollars (**\$18,600.00**). The Department assessed a civil penalty in the amount of thirty seven thousand dollars (\$37,000.00). The Department **suspended** eighteen thousand four hundred dollars (**\$18,400.00**) of

the civil penalty, however, the full civil penalty will be due and payable should the Respondent fail to meet any requirement of the Order.

- 19) Order Type and Number: Consent Order 06-177-W
 Order Date: October 24, 2006
 Respondent: **Robert A. Burgess, Jr.**
 Facility: Burgess Glenn MHP I
 Location/Mailing Address: P.O. Box 607
 Sumter, S.C. 29154
 County: Sumter
 Previous Orders: None
 Permit/ID Number: SC0032239
 Violations Cited: S.C. Code Ann. § 48-1-110(d)
 (Supp. 2005), 24 S.C. Code Ann. Regs. 61-9.122.21(d)(1) and 61-
 9.122.41(k)(1) (Supp.2005)

Summary: Mr. Robert A. Burgess, Jr. (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to submit an administratively complete application for renewal of its National Pollutant Discharge Elimination System (NPDES) Permit at least 180 days prior to the expiration date of the permit and failed to submit administratively complete Discharge Monitoring Reports (DMR).

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; continue to operate the facility in accordance with the most recently issued NPDES permit until a new permit becomes effective; and pay a civil penalty in the amount of three thousand four hundred dollars (**\$3,400.00**). The civil penalty has been paid.

- 20) Order Type and Number: Consent Order 06-178-W
 Order Date: October 24, 2006
 Respondent: **Robert A. Burgess, Jr.**
 Facility: Burgess Glenn MHP II
 Location/Mailing Address: P.O. Box 607
 Sumter, S.C. 29154
 County: Sumter
 Previous Orders: None
 Permit/ID Number: SC0031925
 Violations Cited: S.C. Code Ann. § 48-1-110(d)
 (Supp. 2005), 24 S.C. Code Ann. Regs. 61-9.122.21(d)(1) (Supp.2005)
 and 61-9.122.41(k)(1) (Supp.2005)

Summary: Mr. Robert A. Burgess, Jr. (Respondent) owns and is

responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to submit an administratively complete application for renewal of its National Pollutant Discharge Elimination System (NPDES) Permit at least 180 days prior to the expiration date of the permit and failed to submit administratively complete Discharge Monitoring Reports (DMR).

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; continue to operate the facility in accordance with the most recently issued NPDES permit until a new permit becomes effective; and pay a civil penalty in the amount of three thousand four hundred dollars (\$3,400.00). The civil penalty has been paid.

21) Order Type and Number: Consent Order 06-182-W
 Order Date: October 31, 2006
 Respondent: **Coker International, LLC**
 Facility: Coker Warehouse
 Location/Mailing Address: 200 Jackson Street
 Anderson, S.C. 29654
 County: Cherokee
 Previous Orders: None
 Permit/ID Number: SC0035947
 Violations Cited: S.C. Code Ann. § 48-1-110(d)
 (Supp. 2005) and 24 S.C. Code Ann Regs. 61-9.122.41(a) (Supp. 2005)

Summary: Coker International, LLC (Respondent) is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) and 4 groundwater monitoring wells at Coker Warehouse (Site) located at 859 Victory Trail in the City of Gaffney, South Carolina. The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failed to submit semi-annual groundwater monitoring reports as required by its National Pollutant Discharge Elimination System (NPDES) Permit.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; conduct groundwater monitoring for each of the 4 wells and submit results in accordance with the NPDES permit; and pay a civil penalty in the amount of nine thousand seven hundred five dollars (\$9,705.00). The civil penalty has been paid.

22) Order Type and Number: Consent Order 06-187-W
 Order Date: October 12, 2006
 Respondent: **Cemex Construction Materials, LP**
 Facility: White Horse Road Facility
 Location/Mailing Address: P.O. Box 1292
 Spartanburg, S.C. 29304

County: Greenville
Previous Orders: 00-241-W (\$5,600) and 04-161-W (\$12,000)
Permit/ID Number: SC0001295
Violations Cited: S.C. Code Ann. § 48-1-110(d) (Supp. 2005) and 24 S.C. Code Ann. Regs. 61-9.122.41(a) (Supp. 2005)

Summary: Cemex Construction Materials, L.P. (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) that serves its concrete manufacturing facility. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to comply with the effluent discharge limits of its National Pollutant Discharge Elimination System (NPDES) Permit for total suspended solids (TSS).

Action: The Respondent has agreed to: submit a preliminary engineering report (PER) with a schedule of implementation addressing the construction of a new WWTF to serve the operation and pay a civil penalty in the amount of six thousand four hundred dollars (**\$6,400.00**).

23) Order Type and Number: Consent Order 06-188-W
Order Date: October 24, 2006
Respondent: **Farming Creek Development Company, LLC**
Facility: Rose Oaks SD, Phase I
Location/Mailing Address: 22 Spring Oaks Court
Atlanta, GA 30327
County: Richland
Previous Orders: None
Permit/ID Number: SCR10B006
Violations Cited: S.C. Code Ann. § 48-1-90(a) (1987) and S.C. Code Ann. Regs. 61-9.122.41(a) and (e) (Supp. 2005)

Summary: Farming Creek Development Company, LLC (Respondent) owns and is responsible for land-disturbing activities at Rose Oaks Subdivision (SD), Phase I (Site) located in Richland County, South Carolina. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to install, operate and maintain best management practices to control sediment and erosion and to utilize proper measures to control the quality of storm water runoff; and discharged sediment into the environment, including waters of the State.

Action: The Respondent has agreed to pay a civil penalty in the amount of thirteen thousand six hundred dollars (**\$13,600.00**).

24) Order Type and Number: Consent Order 06-189-W
Order Date: October 24, 2006
Respondent: **Kiawah Island Utility, Inc.**
Facility: Kiawah Island Utility, Inc. WWTF
Location/Mailing Address: 31 Sora Rail Road
Kiawah Island, S.C. 29455
County: Charleston
Previous Orders: None
Permit/ID Number: ND0017361
Violations Cited: S.C. Code Ann. § 48-1-110(d) and
24 S.C. Code Ann. Regs. 61-9.122.41(a)(1) (Supp. 2005)

Summary: Kiawah Island Utility, Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) (Site). The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to comply with the permitted discharge limits for fecal coliform bacteria (FC).

Action: The Respondent has agreed to: pay a civil penalty in the amount of four thousand two hundred dollars **(\$4,200.00)**.

25) Order Type and Number: Consent Order 06-190-W
Order Date: October 24, 2006
Respondent: **Carlisle Finishing, LLC**
Facility: Carlisle Finishing, LLC WWTF
Location/Mailing Address: 3863 Carlisle Chester Highway
Carlisle, S.C. 29031
County: Union
Previous Orders: 01-126-W (\$12,266)
Permit/ID Number: SC0001368
Violations Cited: S.C. Code Ann. § 48-1-110(d) and
24 S.C. Ann. Regs. 61-9.122.41(a)(1) (Supp. 2005)

Summary: Carlisle Finishing, LLC (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) (Site). The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to comply with all conditions of the National Pollutant Discharge Elimination System (NPDES) Permit for chronic toxicity.

Action: The Respondent has agreed to: conduct chronic toxicity testing on a monthly basis according to the following limits: 14.9% for acute toxicity and 2.62% for chronic toxicity, in lieu of 10% for acute and chronic toxicity; conduct these tests for a period of 6 consecutive months; submit a summary of corrective actions taken to date and future actions to be taken in order to prevent chronic

toxicity violations; and pay a civil penalty in the amount of four thousand two hundred dollars **(\$4,200.00)**.

- 26) Order Type and Number: Consent Order 06-192-W
 Order Date: October 24, 2006
 Respondent: **Town of Hampton**
 Facility: Town of Hampton WWTF
 Location/Mailing Address: 608 First Street, W
 Hampton, S.C. 29924
 County: Hampton
 Previous Orders: None
 Permit/ID Number: SC0021318
 Violations Cited: S.C. Code Ann. § 48-1-110(d)
 (Supp. 2005) and 24 S.C. Code Ann. Regs. 61-9.122.41(a) and (d) (Supp.
 2005)

Summary: The Town of Hampton (Respondent) is responsible for the operation and maintenance of a wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: failed to comply with the effluent limits for Total Zinc and Total Copper.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; complete removal of sludge from the WWTF; maximize the treatment efficiency of the WWTF; and pay a civil penalty in the amount of eight thousand four hundred dollars **(\$8,400.00)** in monthly installments.

- 27) Order Type and Number: Consent Order 06-195-W
 Order Date: October 31, 2006
 Respondent: **Clariant LSM (America), Inc.**
 Facility: Clariant LSM (America), Inc. WWTF
 Location/Mailing Address: 2114 Larry Jeffers Road
 Elgin, S.C. 29045
 County: Kershaw
 Previous Orders: 02-154-W (\$7,000) and 05-105-W
 (\$1,400)
 Permit/ID Number: SC0002682
 Violations Cited: S.C. Code Ann. § 48-1-50(3) (1987
 and Supp. 2005)

Summary: Clariant LSM (America), Inc. (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF). The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to comply with the requirement of its

National Pollutant Discharge Elimination System (NPDES) Permit to submit progress reports every 9 months regarding the elimination of the discharge from its WWTF.

Action: The Respondent has agreed to: begin to treat wastewater from the facility in the pretreatment facility prior to treatment in the WWTF; eliminate all discharge to the Wateree River within 120 days from receipt of a pretreatment permit from Palmetto Utilities; submit an updated sludge acceptance letter from Waste Management Screaming Eagle Road Landfill or another approved facility; meet with the Department to discuss the contents of a revised application for renewal of the NPDES permit; submit a revised application for renewal of the NPDES permit; on a monthly basis, monitor and report results of parameters listed on pages twenty (20), twenty-one (21) and twenty-two (22) of its NPDES Permit (this requirement will continue only until the discharge has been eliminated or the permit is reissued; within 90 days of the execution of this Order, and every 90 days thereafter, until the discharge has been eliminated or the permit is reissued, submit progress reports detailing the work that has been completed during that period and within 180 days of discharge elimination, properly close out the WWTF in accordance with the Department approved closure plan. A **stipulated** penalty in the amount of five thousand dollars **(\$5,000)** was assessed.

28)	<u>Order Type and Number:</u>	Consent Order 06-196-W
	<u>Order Date:</u>	October 31, 2006
	<u>Respondent:</u>	City of Greenville
	<u>Facility:</u>	McAlister Square Storm Water
	<u>Location/Mailing Address:</u>	P.O. Box 2207 Greenville, S.C. 29602
	<u>County:</u>	Greenville
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	SCR10A772
	<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-110(d), 48-1-90(a) (1987 and Supp. 2005) and 24 S.C. Ann. Regs. 61-9.122.41(a)(e) (Supp. 2005)

Summary: The City of Greenville (Respondent) owns and is responsible for land clearing, grading and construction activities. The Respondent has violated the Pollution Control Act and associated regulations as follows: failed to properly install and maintain all storm water control devices as required by its National Pollutant Discharge Elimination System (NPDES) permit and discharged sediment into the environment, including waters of the State.

Action: The Respondent has agreed to: submit a report prepared by a South Carolina Registered Professional Engineer certifying that all necessary storm water controls are installed and properly functioning and pay a civil penalty in the amount of five thousand one hundred dollars **(\$5,100.00)**.

- 29) Order Type and Number: Consent Order 06-198-W
 Order Date: October 31, 2006
 Respondent: **Town of Heath Springs**
 Facility: Town of Heath Springs WWTF
 Location/Mailing Address: P.O. Box 100
 Heath Springs, S.C. 29058

 County: Lancaster
 Previous Orders: None
 Permit/ID Number: SC0040118
 Violations Cited: S.C. Code Ann. § 48-1-110(d)
 (Supp. 2005), 24 S.C. Code Ann. Regs. 61-9.122.41(e) (Supp. 2005) and
 61-9.122.41(a)(1) and (3) (Supp. 2005)

Summary: The Town of Heath Springs (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF). The Respondent has violated the National Pollutant Discharge Elimination System (NPDES) Permit SC0040118 effluent limits for fecal coliform and ammonia-nitrogen.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; submit quarterly progress reports to document compliance efforts; and pay a civil penalty in the amount of nine thousand dollars **(\$9,000.00)** to be paid in quarterly installments.

JOINT ORDERS

- 30) Order Type and Number: Consent Order 06-02-HW, 06-060-A
 & 06-179-W
 Order Date: October 12, 2006
 Responsible Party: **Giant Resource Recovery-Sumter**
 Location/Mailing Address: 755 Industrial Road
 Sumter, SC 29150

 County: Sumter
 Previous Orders: 00-03-HW (\$12,000)
 01-08-HW (\$49,000)
 04-01-HW (\$16,250)

 Permit Number: SCD 036 275 626, 2140-0038
 & SCR 000 765

 Violations Cited: S.C. Code Ann. § 48-1-110(d), S.C.
 Code Ann. § 48-1-90(a) (1987), 24 S.C. Code Ann. Regs. 61-9.122.41(a)
 and (e), the South Carolina Hazardous Waste Management Act §44-56-
 130(2), the South Carolina Hazardous Waste Management Regulations
 61-79.262.90, R.61-79.265.31, R.61-79.265.175(b)(1), R.61-

79.264.1087(c)(1)(i), and Hazardous Waste Operating Permit Conditions II.A, IX.F.1 and VI.C.1

Summary: Giant Resource Recovery-Sumter, Inc. (Respondent) owns and operates a hazardous waste treatment, storage, and disposal facility. The Respondent has violated the South Carolina Pollution Control Act, the Water Pollution Control Permits, the Hazardous Waste Operating Permit, and the Hazardous Waste Management Regulations as follows: failure to operate the thermal oxidizer within the established operating temperature range, as required by its Title V Air Quality Operating Permit TV-2140-0038; failure to implement the necessary best management practices to minimize pollutants in the discharge as necessary to meet water quality standards; failure to have the Site's Storm Water Pollution Prevention Plan (SWP3) reviewed by a Professional Engineer; failure to monitor storm water discharges; failure to conduct and document annual Comprehensive Site Evaluations as required by the Permit; failure to prevent the discharge of waste into the environment, including waters of the State, in a manner other than in compliance with a permit issued by the Department; failure to clean up a hazardous waste discharge; failure to maintain and operate the facility to minimize the possibility of any unplanned or sudden releases to the air, soil, or surface water; failure to have a containment system that is sufficiently impervious to contain leaks, spills, and accumulated precipitation; failure to notify the Department in writing of any newly discovered release(s) of hazardous waste or hazardous constituents within fifteen (15) calendar days of discovery; and failure to operate a control device that was designed to reduce the total organic content of the vapor stream vented by at least 95 percent by weight.

Action: The Respondent has agreed to: now and in the future, operate any control device that was designed to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight; comply with all permitting and operating requirements in accordance with State and Federal regulations; monitor storm water discharges from the Site; implement the approved Storm Water Detention Pond Sampling Plan; ensure that any hazardous waste discharge that occurs during generation, processing or storage is cleaned up so that the discharge no longer presents a hazard to human health or the environment; ensure that the secondary containment system is sufficiently impervious to contain leaks, spills, and accumulated precipitation; ensure that the facility is maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment; ensure that the Department is notified in writing of any newly discovered release(s) of hazardous waste or hazardous constituents within fifteen (15) calendar days of discovery; and pay a civil penalty in the amount of sixty-three thousand dollars (**\$63,000.00**). The civil penalty was assessed as follows: twenty-one thousand dollars (\$21,000.00) for violations of the Water Pollution Control Permits and Pollution Control Act and forty-two thousand dollars

(\$42,000.00) for violations of the Hazardous Waste Management Regulations and Hazardous Waste Operating Permit.

31) Order Type and Number: Consent Order 06-005-HW, A and 071-A, HW
 Order Date: October 20, 2006
 Respondent: **CAPSCO Incorporated**
 Facility: CAPSCO Incorporated
 Location/Mailing Address: 1101 W. Blue Ridge Drive
 Greenville, SC 29609

 County: Greenville
 Previous Orders: None
 Permit/ID Number: 1200-0090
 Violations Cited: S.C. Code Ann. § 48-1-90(a); S.C. Code Ann § 48-1-110(d); South Carolina Air Pollution Control Regulation 61-62.1, Section II, Permit Requirements; South Carolina Air Pollution Control Regulation 61-62.5, Standard 8, Section II, Toxic Air Emissions; South Carolina Hazardous Waste Management Act, S.C. Code Ann. § 44-56-130(2); South Carolina Hazardous Waste Management Regulations, 25 S.C. Code Ann. Regs. 61-79.262.11; South Carolina Hazardous Waste Management Regulations, 25 S.C. Code Ann. Regs. 61-79.264.15(c); South Carolina Hazardous Waste Management Regulations, 25 S.C. Code Ann. Regs. 61-79.262.34(a)(4); R.61-79.265.52(d); R.61- 79.262.41(a)(5); and Hazardous Waste Operating Permit Condition II.C.

Summary: CAPSCO Incorporated (Respondent), cleans, plates, and coats metal parts using a series of dip tanks and plating tanks. Respondent is a large quantity generator of hazardous waste and is responsible for compliance with the applicable laws and regulations requiring the proper management of those wastes. The Respondent violated State Air Quality regulations and statutes as follows: failed to install, operate, and maintain a pressure drop gauge, a recirculation flow gauge, and a flow gauge on Scrubber CF and maintain required daily readings from each; failed to install, operate, and maintain a gas flowmeter, a pressure drop gauge, and an airflow meter, on Scrubber CG and maintain required daily readings from each; failed to maintain a 12-month rolling sum for hazardous air pollutant emissions; failed to apply for and obtain the required permits from the Department prior to installing, operating or modifying sources of air contaminants; vented hydrochloric acid storage tank emissions to the environment uncontrolled; vented zinc cobalt plating and acid/alkali strip lines emissions to the environment uncontrolled; exceeded the maximum allowable ambient air concentration for sodium hydroxide; failed to record daily records of pressure drop, pH, water flow, and gas flow on its scrubbers used to control emissions; and failed to ensure that SC DHEC district personnel approved its Operation & Maintenance plan for use no later than 90 days after the issuance of its operating permit. The Respondent also violated the Hazardous Waste

Management Act and Regulations as follows: failure to accurately determine if a solid waste was a hazardous waste; failure to remedy any deterioration or malfunction of equipment or structures revealed during an inspection ensuring that the problem does not lead to an environmental or human health hazard; failure to include in its contingency plan the names, addresses, and phone numbers of all persons qualified to act as emergency coordinator; and failure to prepare and, no later than 30 days after the end of each calendar quarter, submit a written report to the Department including, but not limited to a description, the hazardous waste number, Department of Transportation (DOT) hazardous class, and quantity of each hazardous waste shipped offsite.

Action: The Respondent has agreed to: submit to the Department a plan of action, and method for implementation, to control all potential fugitive emissions from its facility; maintain and operate all pollution control equipment in accordance with its permit and Department regulations; maintain all records as required by its permit; apply for and obtain required Department-issued permits prior to installing, operating, or modifying its process or sources of air contaminants; ensure compliance with the South Carolina Hazardous Waste Management Act; ensure that a hazardous waste determination is made on all solid wastes onsite; ensure that the contingency plan includes the names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator; ensure that any deterioration or malfunction of equipment or structures are remedied on a schedule which ensures that the problem does not lead to an environmental or human health hazard; ensure that quarterly reports include a description, the hazardous waste number, DOT hazardous class, and quantity of each hazardous waste shipped offsite; and pay a civil penalty in the amount of six thousand, five hundred fifty-five dollars **(\$6,555.00)**.

32)	<u>Order Type and Number:</u>	Consent Order 06-185-DW, W
	<u>Order Date:</u>	October 31, 2006
	<u>Respondent:</u>	Portrait Homes, LLC
	<u>Facility:</u>	Cascades at River Crossing
	<u>Location/Mailing Address:</u>	9111 Monroe Rd. Suite 100 Charlotte, S.C. 28270
	<u>County:</u>	York
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	23,084-WS; 32660-WW
	<u>Violations Cited:</u>	S.C. Code Ann. § 48-1-110(a)(1) and (3), S.C. Code Ann. Regs. 61-67.300(A)(1), 61-58.1(B)(1), and 61-58.1(K)(1)

Summary: Portrait Homes, LLC (Respondent) owns and is responsible for the construction activities at Cascades at River Crossing (Site) located on US Highway Bypass South Highway 160 in York County, South Carolina. The Respondent has violated the State Safe Drinking Water Act and the State Primary Drinking Water Regulations as follows: failure to obtain a permit to construct

prior to the construction of a public water system (PWS) and failure to obtain final approval to operate prior to placing a PWS into operation. The Respondent also violated the Pollution Control Act and the Standards for Wastewater Facility Construction as follows: failure to obtain a permit to construct prior to the construction of a wastewater collection system (WWCS) and failure to obtain final approval to operate prior to placing a WWCS into operation.

Action: The Respondent has agreed to: comply with all permitting and operating requirements in accordance with the Permits and comply with all applicable State and Federal Regulations; schedule an inspection with the Department to obtain final approval to operate; and pay a civil penalty in the amount of ten thousand four hundred dollars (**\$10,400.00**).

BUREAU OF AIR QUALITY

33) Order Type and Number: 06-068-A
Order Date: October 3, 2006
Respondent: **Stereo Video Center, Inc.**
Facility: Stereo Video Center, Inc.
Location/Mailing Address: 2417 Highmarket Street
Georgetown, SC 29440
County: Georgetown
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: U.S. EPA Regulations at 40 CFR 61
and South Carolina Air Pollution Control Regulation 61-86.1

Summary: Stereo Video Center, Inc. (Respondent), located in Andrews, South Carolina, is an electronic sales and service company. The Respondent has violated the Pollution Control Act and U.S. EPA Regulations by failing to: conduct an asbestos survey prior to beginning renovation/demolition on a regulated structure; submit to the Department written notification of demolition; pay applicable fees; obtain an asbestos project license; and dispose of demolition debris at a landfill permitted to accept the waste.

Action: The Respondent has agreed to: henceforth ensure that an asbestos survey is performed prior to beginning renovation/demolition, provide the Department with written intent to demolish, obtain an asbestos project license, dispose of demolition debris at a landfill permitted to accept the waste, and pay a civil penalty in the amount of eight thousand dollars (**\$4,000.00**) to be paid in twelve installment payments. The first installment was received on October 27, 2006.

34) Order Type and Number: 06-069-A
Order Date: October 3, 2006

Respondent: **Thomas Bone Construction Company, Inc.**
Facility: Thomas Bone Construction Company, Inc.
Location/Mailing Address: P.O. Box 726
Andrews, SC 29510
County: Georgetown
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: U.S. EPA Regulations at 40 CFR 61 and South Carolina Air Pollution Control Regulation 61-86.1

Summary: Thomas Bone Construction Company, Inc. (Respondent), located in Andrews, South Carolina, is an excavating contractor and construction company. The Respondent has violated the Pollution Control Act and U.S. EPA Regulations by failing to: conduct an asbestos survey prior to beginning renovation/demolition on a regulated structure; submit to the Department written notification of demolition; pay applicable fees; obtain an asbestos project license; and dispose of demolition debris at a landfill approved/permitted to accept the waste.

Action: The Respondent has agreed to: henceforth ensure that an asbestos survey is performed prior to beginning renovation/demolition, provide the Department with written intent to demolish, obtain an asbestos project license, dispose of demolition debris at a landfill approved/permitted to accept the waste, and pay a civil penalty in the amount of eight thousand dollars (**\$8,000.00**) to be paid in eight installment payments. The first installment payment was received on October 11, 2006.

34) Order Type and Number: 06-070-A
Order Date: October 5, 2006
Respondent: **Tim Bone**
Facility: Tim Bone
Location/Mailing Address: P.O. Box 212
Jamestown, S.C. 29453
County: Georgetown
Previous Orders: None
Permit/ID Number: N/A
Violations Cited: U.S. EPA Regulations at 40 CFR 61 and South Carolina Air Pollution Control Regulation 61-86.1

Summary: Tim Bone (Respondent) owns a former restaurant on Main Street in Jamestown, South Carolina. The Respondent has violated the Pollution Control Act and U.S. EPA Regulations by failing to: conduct an asbestos survey prior to beginning renovation/demolition on a regulated structure; submit to the

Department written notification of demolition; pay applicable fees; obtain an asbestos project license; and dispose of demolition debris at a landfill permitted to accept the waste.

Action: The Respondent has agreed to: henceforth ensure that an asbestos survey is performed prior to beginning renovation/demolition, provide the Department with written intent to demolish, obtain an asbestos project license, dispose of demolition debris at a landfill permitted to accept the waste, and pay a civil penalty in the amount of eight thousand dollars (**\$4,000.00**) to be paid in ten installment payments. The first installment payment was received on November 6, 2006.